



# Public Notice

**US Army Corps  
of Engineers**  
Louisville District

Public Notice No.  
200400436

Date:  
9 Jun 04

Closing Date:  
9 Jul 04

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Mr. Greg McKay, CELRL-OP-FS  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (812) 853-5631

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Anchor Recovery Corp.  
7303 National Turnpike  
Louisville, Kentucky 40214

AGENT: Scientific Studies Company  
314 Browns Lane  
Louisville, Kentucky 40207

LOCATION: In wetlands adjacent to Northern Ditch located at 7303  
National Turnpike in Jefferson County, Kentucky  
Latitude: 38-09-02.1209  
Longitude: 85-44-58.7793  
7.5 Minute Quad: LOUISVILLE EAST, KY

PURPOSE: The purpose of the proposed fill is to construct a  
building pad as part of an auto salvage operation.

DESCRIPTION OF WORK: The applicant proposes to discharge approximately 149,250 cubic yards of clean earthen fill material obtained on-site into 2.90 acres of emergent wetlands and 0.31 acre (1,000 lineal feet) of ephemeral stream to facilitate the construction of a building pad. Additionally, 3.11 acres of existing emergent wetlands would be excavated to create a proposed 12.58 acre on-site wetland mitigation area.

MITIGATION: The applicant proposes to construct the 12.58 acre on-site wetland mitigation area by lowering the existing grade along the south side of Northern Ditch from its current elevation of 454 feet to a finished elevation of 444 feet. The excavation area includes 3.11 acres of existing emergent wetlands. It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are four standing structures currently listed on the Register. Prior to taking final action on this application, this office will establish the location of these structures relative to the proposed worksite. Any impacts on such properties will be evaluated and considered in making the final decision. With respect to other sites not currently listed on the Register, if we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water

quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. Greg McKay, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number 200400436.